IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

TUESDAY, THE 13TH MARCH 2007 / 22ND PHALGUNA 1928

RPFC.No. 3 of 2004

MC.239/2002 of THE FAMILY COURT. KOZHIKODE
.....

REVISION PETITIONER/RESPONDENT:

SUDHIR SADANAND, AGED 43 YEARS,
S/O. LATE SADANAND, RESIDING AT NO.8/5,
JAKHARIYA COLONY, 2ND STRET, CHOOLAIMEDU,
CHENAI - 600 094.

BY ADV. SRI.SUNNY MATHEW

RESPONDENTS: PETITIONER

M.SAJITHA, AGED 35 YEARS,
D/O. BALAKRISHNAN, MELEDATH HOUSE, NADAKKAVE,
KACHERI AMSOM DESOM, KOZHIKODE TALUK.

BY ADV. SRI.A.MOHAMED MUSTAQUE
SRI.M.K.SUMOD

THIS REV.PETITION(FAMILY COURT) HAVING BEEN FINALLY HEARD ON 13/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

CRL.M.A.NO. 280/2004 IN RPFC. 3 OF 2004

DISMISSED.

13-3-2007 SD/-K.R.UDAYABHANU, JUDGE

TRUE COPY

P.S.TO JUDGE

K.R. UDAYABHANU, J.

R.P.F.C.NO. 3 OF 2004

DATED THIS THE 13TH DAY OF MARCH 2007

ORDER

The revision petitioner is the counter petitioner in M.C.No.239/2002 who is under orders to pay a monthly maintenance of Rs.1750/- from the date of the petition as per order under Section 127(i) of the Code of Criminal procedure. The marriage is admitted as can be seen from the earlier order in M.C.No.262/2002. The court below has ordered to pay maintenance at the rate of Rs.500/- per month. According to the petitioner/wife, she required at least Rs.3,000/- per mensum to make her expenses. It is the contention that the counter petitioner is employed as a top executive in M/s. Champion Photo Chemistry at Chennai and is getting a sum of . 30,000/- per month and the earnings from immovable property would work out to Rs.10,000/-. He is the only son of his parents. The revision petitioner has contended that he is drawing only a sum of Rs.16,000/- per month and after deducting income-tax etc. he is taking a carry home salary of Rs.13,000/-and out of this amount, he has to make repayment of various loans etc. He has to look after his aged mother also.

The evidence adduced in the matter consisted of the testimony

of PW1, RW1 and Ext.B1, the certificate of income tax return of the petitioner. The court below has meticulously considered the evidence in the matter and has assessed the amount required for the petitioner and the amount that can be set apart by the revision petitioner and held that a sum of Rs.1750/- per month would be reasonable.

On a consideration of the evidence adduced in the matter, I find no reason to interfere in the order of the court below. The same is confirmed. The revision petition is dismissed.

K.R.UDAYABHANU, JUDGE

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